

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Team # 1	CCRB Case #: 201403332	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/28/2014 7:59 PM	Location of Incident: Marcus Garvey Park; 25th Precinct stationhouse	Precinct: 25	18 Mo. SOL 9/28/2015	EO SOL 9/28/2015	
Date/Time CV Reported Tue, 04/08/2014 1:07 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 04/08/2014 1:07 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM William Dooley	12614	951689	025 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Marcus Gonzalez	00000	914790	025 PCT
2. POM Domenico Buffa	00135	951565	025 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM William Dooley	Discourtesy: At Marcus Garvey Park in Manhattan, PO William Dooley spoke discourteously to § 87(2)(b)	
B.POM William Dooley	Abuse: At the 25th Precinct stationhouse, PO William Dooley refused to provide his name to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via telephone on April 8, 2014. (encl. C1-C2) On March 28, 2014, at approximately 7:59 p.m., § 87(2)(b) was approached by PO William Dooley and Lt. Marcus Gonzalez, from the 25th Precinct, at Marcus Garvey Park in Manhattan located on Madison Avenue, along East 120th Street and 124th Street. § 87(2)(b) was subsequently arrested. The following allegations resulted:

Allegation A: Discourtesy- At Marcus Garvey Park in Manhattan, PO William Dooley spoke discourteously to § 87(2)(b)

Allegation B: Abuse of Authority- At the 25th Precinct stationhouse, PO William Dooley refused to provide his name to § 87(2)(b)

§ 87(2)(g)

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a Spanish speaker. See enclosure for § 87(2)(b)'s pedigree information. (encl. D1)

CCRB Statement

§ 87(2)(b) provided a phone statement when he filed his complaint on April 8, 2014 and was interviewed at the CCRB on May 5, 2014. Both statements were taken in Spanish § 87(2)(g) (encl. D2-F6)

On March 28, 2014, at approximately 7:59 p.m., § 87(2)(b) was sitting on a bench in Marcus Garvey Park in Manhattan. § 87(2)(b) had been in the park for at approximately three hours and did not consume alcohol or drugs at any point. There were other civilians throughout the park. § 87(2)(b) was looking around and observed a black taxi pass by in the street.

Approximately five to ten minutes later, three officers in blue uniforms, all described as 35 to 40 year old white males, 5'10" tall, with average builds and had blue eyes, approached § 87(2)(b). The investigation determined that there were only two officers, PO William Dooley and Lt. Marcus Gonzalez, from the 25th Precinct, who approached § 87(2)(b).

PO Dooley immediately asked for his identification. § 87(2)(b) stated that he did not have identification. PO Dooley asked § 87(2)(b) "You're drinking, right?" § 87(2)(b) responded in English, "No, I'm not drinking. I'm here alone." PO Dooley grabbed a Coors Light can that was on the ground, about five feet away from the bench, and said, "Drink this." § 87(2)(b) said, "No, that's not mine." PO Dooley said, "That's yours. Drink this."

PO Dooley and Lt. Gonzalez whispered to each other and laughed. Then, PO Dooley asked § 87(2)(b) "Fucking shorty. Turn around. You're arrested." § 87(2)(b) turned around and was handcuffed. PO Dooley also called § 87(2)(b) a "little man." Lt. Gonzalez laughed along and asked § 87(2)(b) why he did not grow more. PO Dooley and Lt. Gonzalez continued to laugh at and insult § 87(2)(b) but he did not understand the context of what was said other than "you're in trouble", "why didn't you grow more?" and "little man."

While both officers walked § 87(2)(b) to the unmarked car, Lt. Gonzalez patted § 87(2)(b)'s chest and the outside of his front and back jean pockets. While frisking him, Lt. Gonzalez asked § 87(2)(b) if he had drugs or weapons.

§ 87(2)(b) was taken to the 25th Precinct stationhouse and was placed in a holding cell. Sometime later, § 87(2)(b) was brought to another room and was fingerprinted. § 87(2)(b) was not sure which officer fingerprinted him but PO Dooley and Lt. Gonzalez were present during the process. The investigation determined that PO Dooley fingerprinted § 87(2)(b). § 87(2)(b) asked PO Dooley, “What’s your name?” PO Dooley responded, “Why? Why do you want to know my name?” PO Dooley did not say anything else. § 87(2)(b) was released two hours later with a Desk Appearance Ticket.

NYPD Statements:

Subject Officer: PO WILLIAM DOOLEY

- See enclosures for PO Dooley’s pedigree and assignment information. (encl. E8)

Memo Book

PO Dooley had memo book entries pertaining to § 87(2)(b)’s arrest. (encl. E1-E4)

CCRB Testimony

PO Dooley was interviewed at the CCRB on June 16, 2014. (encl. E9)

PO Dooley and Lt. Gonzalez were patrolling Marcus Garvey Park on foot. Marcus Garvey Park is a known drug and prostitution location. Approximately thirty feet away, PO Dooley observed § 87(2)(b) standing alone and against a wall on the upper level of the park, which closes at dusk. PO Dooley communicated his observation with Lt. Gonzalez and both walked towards § 87(2)(b). PO Dooley was going to question § 87(2)(b) to find out what he was doing and possibly issue him a summons for being in the park after hours.

While standing ten feet away, PO Dooley observed § 87(2)(b) drinking out of a 24-ounce Coors Light can. PO Dooley then intended on issuing § 87(2)(b) a summons for open container. PO Dooley approached § 87(2)(b) and asked him what he was doing and requested identification. § 87(2)(b) replied, “No I.D.” It was clear to PO Dooley that there was a language barrier and that § 87(2)(b) spoke Spanish. PO Dooley does not speak Spanish so Lt. Gonzalez took over the conversation. Lt. Gonzalez and § 87(2)(b) spoke for two to three minutes in Spanish. § 87(2)(b) appeared frustrated, which PO Dooley determined by his facial expressions and because he tossed his arms up and down.

After speaking with § 87(2)(b) Lt. Gonzalez instructed PO Dooley to handcuff him. PO Dooley handcuffed and frisked § 87(2)(b) and then escorted him to the unmarked car. § 87(2)(b) was compliant. No other officers arrived at the arrest location.

PO Dooley and Lt. Gonzalez transported § 87(2)(b) to the 25th Precinct stationhouse. When they arrived, PO Dooley searched § 87(2)(b) at the front desk and found his school identification. PO Dooley processed § 87(2)(b)’s arrest paperwork and fingerprinted him. PO Domenico Buffa, from the 25th Precinct, was present during this process but had very little contact with § 87(2)(b). PO Dooley was not sure if Lt. Gonzalez was present. § 87(2)(b) did not request any officer’s name, including PO Buffa’s and PO Dooley’s. PO Dooley did not say or hear any officer say to § 87(2)(b) “Fucking shorty.”

§ 87(2)(b) was released with a Desk Appearance Ticket. While § 87(2)(b) walked out of the stationhouse, § 87(2)(b) removed his belt, threw it on the ground and said something to a female officer. PO Dooley did not recall what § 87(2)(b) said but it was in English and was something derogatory towards females. PO Dooley said “hey,” and § 87(2)(b) then left.

Witness Officer: LT. MARCUS GONZALEZ

- See enclosures for Lt. Gonzalez’s pedigree and assignment information. (encl. F3)

Memo Book

Lt. Gonzalez had memo book entries pertaining to § 87(2)(b)'s arrest. (*encl. F1-F2*)

CCRB Testimony

Lt. Gonzalez was interviewed at the CCRB on August 14, 2014. (*encl. F4*)

Despite having a memo book entry regarding § 87(2)(b)'s arrest, Lt. Gonzalez did not recall this incident. Lt. Gonzalez was shown a picture of § 87(2)(b) and § 87(2)(b)'s arrest paperwork but these did not help refresh his memory regarding the incident. Lt. Gonzalez confirmed that he speaks Spanish. Lt. Gonzalez denied the allegations.

Additional Officers Interviewed:

PO Domenico Buffa was interviewed at the CCRB on July 24, 2014. (*encl. G1-G6*) It was established that, while he had memo book entries placing him at the stationhouse, he was not involved in the incident.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of August 29, 2014, two months after the filing deadline, with regard to the incident. (*encl. K2*)

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (*encl. A2*)

Subject Officer CCRB History

- PO William Dooley has been a member of the service for two years and there are no substantiated CCRB allegations against him. (*encl. A1*)

Conclusion

Identification of Subject Officer

Although § 87(2)(b) stated that there were three officers present during the incident and described them all as “35 to 40 year old white males, 5’10” tall, with average builds and blue eyes,” the investigation determined that only PO Dooley and Lt. Gonzalez were present during the incident, and of these officers, only PO Dooley matches the description of the subject officer. Additionally, PO Dooley indicated that he handcuffed and fingerprinted § 87(2)(b) § 87(2)(g)

Investigative Findings and Recommendations

Allegation A: Discourtesy- At Marcus Garvey Park in Manhattan, PO William Dooley spoke discourteously to § 87(2)(b)

Allegation B: Abuse of Authority- At the 25th Precinct stationhouse, PO William Dooley refused to provide his name to § 87(2)(b)

§ 87(2)(b) alleged that while being in custody by PO Dooley and Lt. Gonzalez in Marcus Garvey Park, PO Dooley called him a “Fucking shorty.” At the 25th Precinct stationhouse, § 87(2)(b) alleged that he requested PO Dooley’s name and that he did not provide the requested information.

PO Dooley stated that § 87(2)(b) was overall compliant during this incident. PO Dooley acknowledged handcuffing and fingerprinting § 87(2)(b) but denied calling him a “fucking shorty” and claimed that § 87(2)(b) never requested his name. Lt. Gonzalez and PO Buffa did not recall this incident.

§ 87(2)(g)

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Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date